IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

FRIDAY, THE 24TH NOVEMBER 2006 / 3RD AGRAHAYANA 1928

Crl.Rev.Pet.No. 4134 of 2006()

CRA.515/2004 of ADDL.SESSIONS COURT (SPL.CAURT), KOTTAYAM
CC.290/2003 of CHIEF JUDICIAL MAGISTRATE COURT, KOTTAYAM

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REVN. PETITIONER: APPELLANT/ACCUSED:

S. RAVEENDRAN NAIR, S/O.SREEDHARAN,
AGED 73 YEARS, RESIDING AT SREERAGAM,
CHERTHALA P.O., ALAPPUZHA.

BY ADV. SRI.BIJU M.JOHN

RESPONDENTS: COMPLAINANT/STATE:

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1. P.N. EASWARA PILLAI,
PROPRIETOR OF INDIAN PUBLICITY BUREAU,
ADAM TOWER, M.C.ROAD, KOTTAYAM.

2. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.KAMMAPPU

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 24/11/2006, THE COURT ON 24/11/2006 PASSED THE FOLLOWING:

K.T.SANKARAN, J

Crl. R.P. No. 4134 of 2006

Dated this the 24th day of November, 2006

ORDER

The petitioner was found guilty for the offence under Section 138 of the Negotiable Instruments Act and he was sentenced to undergo simple imprisonment for a period of three months and to pay a fine of Rs.72,000/- and in default to undergo simple imprisonment for two weeks. The petitioner challenged the conviction and sentence in appeal. The appellate court allowed the appeal in part and while confirming the conviction, reduced the sentence of imprisonment till the rising of the court. In the place of the sentence to pay fine of Rs.72,000/-, the appellate court directed the accused to pay compensation of Rs.72,000/- and in default of payment of compensation to undergo simple imprisonment for one month. The accused was directed to appear before the trial court to serve the sentence of imprisonment till the rising of the court on 25.11.2006.

2. The above revision is filed challenging the conviction and sentence. The learned counsel for the petitioner submitted that the petitioner is aged 73 years and that he requires three months' time to pay the compensation amount. It is also submitted that the petitioner may be permitted to appear before the trial court after a period of one

week. In the facts and circumstances of the case and taking into account the nature of the offence, I am inclined to grant three months' time to the petitioner to pay the compensation amount. It is also reasonable to grant a reasonable time to the petitioner to appear before the trial court.

In the result, this Crl.R.P. is disposed of in the following manner:

(1) The conviction is confirmed.

(2) The sentence of imprisonment as now ordered by the appellate court is also confirmed.

(3) The direction to pay the compensation of Rs.72,000/- and in default to undergo simple imprisonment for one month is confirmed. However, the petitioner is granted three months' time to pay the amount of compensation.

(4) The petitioner shall appear before the trial court on 11.12.2006 to undergo sentence of imprisonment till the rising of the court.

K.T.SANKARAN,
JUDGE

csl